

IN THE MATTER OF THE
THE APPLICATION OF
STEPHEN M. FORTHUBER, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE NORTH-
EAST SIDE HILL SPRING DRIVE
100' SOUTHEAST OF THE CENTER-
LINE OF HICKORY KNOLL COURT
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

OPINION

This Board finds that the Petitioners, Stephen and Diane Forthuber, have met their burden of proof pursuant to Section 1B01.3.A.7(c) of the Baltimore County Zoning Regulations to amend the last Amended Final Development Plan of Hillside at Seminary to permit an existing retaining wall in accordance with the Opinion as stated on the Record in this case on October 14, 1992.

ORDER

IT IS THEREFORE this 25th day of November, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amendment to the last Amended Final Development Plan of Hillside at Seminary to permit an existing retaining wall on the subject property in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer
Michael B. Sauer, Acting Chairman

John G. Disney
John G. Disney

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

IN THE MATTER OF : BEFORE THE
THE APPROVAL OF AN AMENDMENT TO : COUNTY BOARD
THE LAST AMENDED FINAL DEVELOPMENT PLAN : OF APPEALS
OF HILLSIDE AT SEMINARY : OF
(8539 Hill Spring Drive) : BALTIMORE COUNTY
8th Election District : Case No. 92-298-SPH
3rd Councilmanic District : Case No. 92-298-SPH

NOTICE OF APPEAL

James Ok Park and Young Ja Park, 8535 Hill Spring Drive, Lutherville, Maryland 21093, Appellants, by their attorneys Thomas G. Bodie, and Power and Mosner, P.A., do hereby appeal the Order of Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore County, as entered on June 16, 1992. The Respondents in the aforementioned matter, Appellants herein, appeal the order of the Deputy Zoning Commissioner for Baltimore County.

POWER AND MOSNER, P.A.

Thomas G. Bodie
Thomas G. Bodie, Esquire
Power and Mosner
21 West Susquehanna Avenue
Towson, Maryland 21204
(410) 823-1250
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1992, the original of the NOTICE OF APPEAL was filed with the Baltimore County Government Office of Law, 400 Washington Avenue, Towson, Maryland, and copies were mailed, first class to Mr. and Mrs. Stephen M. Forthuber, 8539 Hill Spring Drive, Lutherville, MD 21093.

Thomas G. Bodie
Thomas G. Bodie

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Hill Spring Drive, 100' SE * DEPUTY ZONING COMMISSIONER
of the c/l of Hickory Knoll Ct. *
(8539 Hill Spring Drive) * OF BALTIMORE COUNTY
8th Election District * Case No. 92-298-SPH
3rd Councilmanic District *
Stephen M. Forthuber, et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioners request my approval of an amendment to the last Amended Final Development Plan of Hillside at Seminary to permit an existing retaining wall in accordance with Petitioner's Exhibit 1.

The Petitioners, Stephen and Diane Forthuber, appeared and testified. Also appearing on behalf of the Petitioners was Laura Gerhardt, adjoining property owner to the rear of the subject site. Appearing as a Protestant in the matter was Young Ja Park, neighboring property owner. Ms. Park was represented by Thomas G. Bodie, Esquire.

Testimony indicated that the subject property, known as 8539 Hill Spring Drive, consists of .343 acres more or less, zoned D.R. 2 and is improved with a single family dwelling. Said property is also known as Lot 8 of Hillside At Seminary and is located adjacent to a panhandle drive which serves other lots in this development. Included along the panhandle drive is a driveway easement serving Lot 7, which is located immediately to the rear of this site and is owned by Ms. Gerhardt. Testimony indicated that the Petitioners purchased the subject property at which time there existed a severe erosion problem along that portion of the property facing Hill Spring Drive and the panhandle drive. As part of the purchase agreement, the developer, Martin Kandell agreed to construct a wood retaining

ORDER RECEIVED FOR FILING
Date 6/16/92
By [Signature]

wall along the southern property line in an effort to eliminate the problem. This retaining wall is pictured in photographs entered into evidence as Petitioner's Exhibits 2A through 2H. It was Mr. Kandell's responsibility to properly locate the retaining wall on the property. Unfortunately, it was sometime after settlement, and after Mr. Kandell filed bankruptcy and moved to Florida, that it was determined the retaining wall partly encroached upon the driveway easement providing access to Lot 7. In an effort to rectify the problem, it was agreed between the Gerhardts and the Forthubers that the Gerhardts would deed a sliver of their driveway easement to the Forthubers resulting in the entire retaining wall being located on the Forthubers' property. That sliver of driveway easement which is to be deeded to the Forthubers is shown on Petitioner's Exhibit 1. In order to correct this encroachment and properly record the deed for same, it is necessary to amend the final development plan of The Hillside at Seminary as requested herein. The Gerhardts and the Forthubers deem it in their best interests to clear title to both properties by way of this Petition for Special Hearing.

Young Park appeared and testified in opposition to the Petitioners' request. Ms. Park resides on the neighboring property located across the panhandle drive from the subject site known as Lot 6. The driveway to Ms. Park's property is located across from the subject site and retaining wall. Ms. Park testified that she has difficulty negotiating her automobiles out of her driveway due to the existence of this retaining wall. In her opinion, because of the limited space available, Ms. Park narrowly misses the retaining wall when exiting her driveway to go left towards Hill Spring Drive. Ms. Park testified that she would like to see the retaining wall torn down and resituated so as not to impede or hamper

ORDER RECEIVED FOR FILING
Date 6/16/92
By [Signature]

access to her driveway.

In addition to the live testimony presented at the hearing, this office received comments from Robert W. Bowling, Chief of the Developers Engineering Division of the Department of Public Works. Mr. Bowling expressed that Division's concern regarding the retaining wall which is currently situated in Baltimore County's drainage and utility easement. Mr. Bowling informed me that his office would give me final comments after having an opportunity to discuss this matter in more detail with the Petitioners. Subsequently, on June 8, 1992 I received final comments in which Mr. Bowling stated that his Division is satisfied that their concerns will be addressed in that the Forthubers have agreed to enter into a hold-harmless agreement with Baltimore County regarding the retaining wall and its location in the County's easement. Therefore, having fully satisfied the concerns of Baltimore County and considering all the testimony and evidence presented in this case, in the opinion of this Deputy Zoning Commissioner, the Petitioners' request to amend the Last Amended Final Development Plan of Hillside at Seminary should be granted.

It was evident from listening to the testimony and evidence presented at the hearing that the Forthubers relied upon the builder, Martin Kandell, to locate the subject retaining wall in its proper place. Unfortunately, through no fault of the Petitioners, the developer failed to do this. Obviously, the cost of relocating this wall would be astronomical and the Forthubers should not be required to bear the burden of such cost. Therefore, given all the equities in this case, I believe it would be in the best interest of all parties to allow the retaining wall to remain in its present location, subject to the hold-harmless agreement entered into between the Forthubers and Baltimore County.

Further, I realize the inconvenience that this decision will have upon Mrs. Park. However, I believe that Mrs. Park could better negotiate her vehicles when exiting her driveway in order to avoid the retaining wall. To require that the Forthubers endure the cost and expense of relocating the retaining wall in this instance is unreasonable and unnecessary.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of June, 1992 that the Petition for Special Hearing to approve an amendment to the last Amended Final Development Plan of Hillside at Seminary to permit an existing retaining wall in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/16/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 16, 1992

Mr. & Mrs. Stephen M. Forthuber
8539 Hill Spring Drive
Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
NE/S Hill Spring Drive, 100' SE of Hickory Knoll Court
(8539 Hill Spring Drive)
8th Election District - 3rd Councilmanic District
Stephen M. Forthuber, et ux - Petitioners
Case No. 92-298-SPH

Dear Mr. & Mrs. Forthuber:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Thomas G. Bodie, Esquire
21 W. Susquehanna Avenue, Towson, Md. 21204

People's Counsel

file

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-298-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the last Amended Final Development Plan at The Hillside at Seminary

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

8539 Hill Spring Dr 339-7618
Lutherville MD 21093

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

Attorney's Telephone No.:

ORDER RECEIVED FOR FILING

Date 6/16/92

By [Signature]



ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
REVIEWED BY: TMK DATE 1/3/92

TMK - 1/3/92
est time - 1 hr.
avail anytime

92-298-SPH

Beginning on the northeast side of Hill Spring Drive, 50 feet wide, at the distance of 100 feet southeast of the centerline of Hickory Knoll Court, Being Lot 8 of "The Hillside at Seminary", Plat Book 53, Folio 75 containing .343 acres in the 8th Election District. Also known as 8539 Hill Spring Drive.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 2/20/92
Posted for: Stephen B. Fortthuber
Petitioner: Stephen B. Fortthuber
Location of property: 8539 Hill Spring Drive, NE/SE of c/l Hickory Knoll Court
Location of Sign: On north side of Hill Spring Drive
Remarks: None
Posted by: Lawrence E. Schmidt Date of return: 2/20/92
Number of Signs: 1

#1313

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 2/20/92
Posted for: Stephen B. Fortthuber
Petitioner: Stephen B. Fortthuber
Location of property: 8539 Hill Spring Drive, NE/SE of c/l Hickory Knoll Court
Location of Sign: On north side of Hill Spring Drive
Remarks: None
Posted by: Lawrence E. Schmidt Date of return: 2/20/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed amendment to the Zoning Ordinance, Chapter 21-204, as follows:
Case Number: 92-298-SPH
NE/SE of Hill Spring Drive, 100' SE of c/l Hickory Knoll Court
8th Election District
3rd Councilmanic District
Petitioner(s): Diane B. and Stephen A. Fortthuber
Hearing Date: Friday, March 20, 1992 at 10:30 a.m.
Special Hearing: To approve an amendment to the last amended Final Development Plan of "The Hillside at Seminary".
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
TJ/2/177 February 20.

TOWSON, MD., 2/20, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/20, 1992.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$94.70

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed amendment to the Zoning Ordinance, Chapter 21-204, as follows:
Case Number: 92-298-SPH
NE/SE of Hill Spring Drive, 100' SE of c/l Hickory Knoll Court
8th Election District
3rd Councilmanic District
Petitioner(s): Diane B. and Stephen A. Fortthuber
Hearing Date: Friday, March 20, 1992 at 10:30 a.m.
Special Hearing: To approve an amendment to the last amended Final Development Plan of "The Hillside at Seminary".
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
TJ/2/177 February 20.

TOWSON, MD., 2/20, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/20, 1992.

TOWSON TIMES,

S. Zake Olson
Publisher

\$94.70

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 2/20/92 Account: R 001-6130
Number: 92-298-SPH
APPROVED FOR FILING: 2/20/92
FILED FOR FILING: 2/20/92
FILING FEE: \$15.00
TOTAL FILING FEE: \$15.00
CASHIER VALIDATION: 2/20/92
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2-28-92

Stephen and Diane Fortthuber
8539 Hill Spring Drive
Lutherville, Maryland 21093

RE:
CASE NUMBER: 92-298-SPH
NE/SE Hill Spring Drive, 100' SE of c/l Hickory Knoll Court
8539 Hill Spring Drive
8th Election District - 3rd Councilmanic
Petitioner(s): Diane B. and Stephen A. Fortthuber

Dear Petitioner(s):

Please be advised that \$ 119.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 112, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jaskow
DIRECTOR

ARNOLD JASKOW
DIRECTOR

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 25, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-298-SPH
NE/SE Hill Spring Drive, 100' SE of c/l Hickory Knoll Court
8539 Hill Spring Drive
8th Election District - 3rd Councilmanic
Petitioner(s): Diane B. and Stephen A. Fortthuber
HEARING: FRIDAY, MARCH 20, 1992 at 10:30 a.m.

Special Hearing to approve an amendment to the last amended Final Development Plan of "The Hillside at Seminary"

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

Zoning Commissioner of
Baltimore County

cc: Stephen and Diane Fortthuber
Young Ja Park

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 9, 1992

Mr. & Mrs. Stephen Fortthuber
8539 Hill Spring Drive
Lutherville, MD 21093

RE: Item No. 313, Case No. 92-298-SPH
Petitioner: Stephen Fortthuber, et ux
Petition for Special Hearing

Dear Mr. & Mrs. Fortthuber:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: March 9, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Your petition has been received and accepted for filing this
1st day of January, 1992.

Arnold Jaskow
ARNOLD JASKOW
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Stephen Fortthuber

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 21, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Reinecke Property, Item No. 308
Lehner Property, Item No. 310
Forthuber Property, Item No. 313
McDougall Property, Item No. 317

In reference to the applicants' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn
ITEM308/TXTROZ

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 12, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DIANE E. FORTHUBER AND STEPHEN A. FORTHUBER

Location: #8539 HILL SPRING DRIVE

Item No.: 313 Zoning Agenda: FEBRUARY 18, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/EEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 25, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: February 14, 1992

RE: Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

RECEIVED
FEB 20 1992
ZONING OFFICE

8th E.D.



APPLICATION FOR AMENDMENT TO DEVELOPMENT PLAN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, *[Signature]* legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for an Amendment to the Development Plan under Section 1801.3A.7.c. of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the Amendment of Lots 7 & 8.

Block — Plat — as previously approved on the *Fourth Amended Final*

Development Plan of *The Hillside at Seminary*

Section — Said Amendment is necessitated to permit *the transfer of 252 square feet along the parhandle driveway of Lot 7 over to Lot 8 (see waiver and amendment file).*

Property is to be posted and I, or we, agree to pay expenses of processing and posting upon filing of this request, additional public hearing and reporting fees if I decide to proceed after a Protestant's public hearing request and further agree to and are to be bound by the Zoning Regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

[Signature] 12-31-91
[Signature] Date
[Signature] Legal Owner(s) Signature(s)
Address (type or print) *8539 Hill Spring Drive*
Lutherville, MD 21093
Phone # Work - *825-9190* zip
Home - *839-1411*

PUBLIC HEARING REQUEST

I, or we, *[Signature]* request that the proposed Amendment be the subject of a public hearing as provided for in Section 1801.3A.7b.iii of the Zoning Regulations. I also agree to pay a processing fee for this public hearing request.

1-27-1992
[Signature] Date
[Signature] Protestant's Signature
Address (type or print) *8539 Hill Spring Dr.*
Lutherville, Md 21093
Phone # Work - *825-9190* zip
Home - *839-1411*

CERTIFICATION

It is hereby CERTIFIED by the Zoning Commissioner of Baltimore County, this day of *February*, 1992, that the herein Certification for Amendment to Development Plan is in keeping with the spirit and intent of the Baltimore County Zoning Regulations and other Baltimore County land use and development requirements and that said amendment does not violate the spirit and intent of the original development plan.

AMND/DP1
rev. 2/8/91

ZONING COMMISSIONER OF BALTIMORE COUNTY By: Date

313

92-298-SPH

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

[Signature]
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
MAR 16 1992
ZONING OFFICE

RECEIVED
2 1992
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 25, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

92-298-SPH APR 14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 2, 1992

FROM: Robert W. Bowling, P.E.
Chief
Developers Engineering Division

SUBJECT: ITEM 313 92-298 SPH
FORTHUBER PROPERTY
8539 Hill Spring Drive

Our previous comment to you dated February 25, 1992, concerned a retaining wall that was built within a County drainage and utility easement. The Forthubers have agreed in writing that they will either move the wall or enter into a hold-harmless agreement with the County. Said agreement was allowed by the Director of Public Works as an alternative to moving the wall.

We, therefore, are satisfied that our concerns will be addressed, and we have no further comment.

RWB:DAK:bje

cc: File

FORTHUBER/EDWS

RECEIVED
JUN - 8 1992
ZONING COMMISSIONER



(410) 887-3353

August 10, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/S Hill Spring Drive, 100' SE of the c/l of Hickory Knoll Ct.
(8539 Hill Spring Drive)
8th Election District, 3rd Councilmanic District
STEPHEN M. FORTHUBER, ET UX - Petitioner
Case No. 92-298-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 16, 1992 by Thomas G. Bodie, Attorney on behalf of the Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Thomas G. Bodie
Zoning Commissioner

LES:cer

Enclosures

cc: Mr. & Mrs. Stephen Forthuber
8539 Hill Spring Drive - Lutherville, MD 21093

Thomas G. Bodie, Esquire - Power and Mosner
21 West Susquehanna Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

APPEAL

Petition for Special Hearing
NE/S Hill Spring Drive, 100' SE of the c/l of Hickory Knoll Court
(8539 Hill Spring Drive)
8th Election District - 3rd Councilmanic District
STEPHEN M. FORTHUBER - Petitioner
Case No. 92-298-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat for Special Hearing

2A. Photographs

3. Letter Re: Drainage

Protestant's Exhibits: 1. Plat Three - The Hillside at Seminary

2A - 2D -. Photographs

Deputy Zoning Commissioner's Order dated June 16, 1992 (Granted with restrictions)

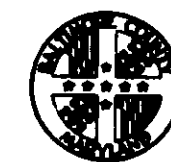
Notice of Appeal received July 16, 1992 from Thomas G. Bodie, Attorney on behalf of the Protestants

cc: Mr. & Mrs. Stephen Forthuber
8539 Hill Spring Drive - Lutherville, MD 21093

Thomas G. Bodie, Esquire - Power and Mosner
21 West Susquehanna Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 25, 1992

Thomas G. Bodie, Esquire
POWER AND MOSNER
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 92-298-SPH
Stephen M. Forthuber, et ux

Dear Mr. Bodie:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Matthew C. Weidenhammer
Matthew C. Weidenhammer
Administrative Assistant

encl.

cc: Robert A. Hoffman, Esquire
Young Ja Park
Mr. & Mrs. Stephen Forthuber
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /Zoning
Arnold Jablon, Director of
Zoning Administration
Public Services

Printed on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -Room 48, 400 Washington Avenue, Old Courthouse, Basement
August 13, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-298-SPH

STEPHEN M. FORTHUBER
NE/S Hill Spring Drive, 100'
SE of c/l Hickory Knoll Court
(8539 Hill Spring Drive)
8th Election District,
3rd Councilmanic District

SPH-Amendment to final development plan/
Hillside at Seminary/ to permit existing
retaining wall

6/16/92 - D.Z.C.'s Order GRANTING Petition
with restrictions.

ASSIGNED FOR: WEDNESDAY, OCTOBER 14, 1992 at 10:00 a.m.

cc: Thomas G. Bodie, Esquire - Counsel for Protestant/Appellant
Young Ja Park - Protestant

Mr. & Mrs. Stephen Forthuber - Petitioner

People's Counsel for Baltimore County
Public Services

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon-Director of

Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

IN THE MATTER OF * BEFORE THE
STEVEN M. FORTHUBER * COUNTY BOARD
NE/S. HILL SPRING DRIVE, * OF APPEALS
100' SE OF C/L * OF
HICKORY KNOLL COURT * BALTIMORE COUNTY
(8539 Hill Spring Drive) *
8th Election District, * CASE NO: 92-298-SPH
3rd Councilmanic District *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday, October 14, 1992 at 10:00 a.m., Room 48, located at 400 Washington Avenue, Old Courthouse, basement, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: Robert W. Bowling, P.E.
Chief Developers, Engineering Division

ADDRESS: County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
M.S. 1208

POWER AND MOSNER, P.A.

Thomas G. Bodie
21 West Susquehanna Avenue
Towson, Maryland 21204
823-1250

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

LindaLee M. Kuszmaul
County Board of Appeals of
Baltimore County

Cost: \$
Summoned: 19
Not Served: 19
Sheriff of Baltimore County

32-2144 91 JES 26
RECEIVED
COUNTY BOARD OF APPEALS



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 18, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-298-SPH
LEGAL OWNER: STEPHEN AND DIANE FORTHUBER
LOCATION: 8539 HILL SPRING DRIVE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

MONDAY, APRIL 6, 1992 at 10:30 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE,
TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Forthuber
Young Ja Park

Printed on Recycled Paper



401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5852

October 29, 1991

Mr. & Mrs. Steven Forthuber
8539 Hill Spring Drive
Lutherville, Maryland 21093

Re: 8539 Hill Spring Drive (Hillside at Seminary)
Waiver of panhandle width

Dear Mr. & Mrs. Forthuber:

Your request for a waiver from the provision of Section 26-266 of the Baltimore County Development Regulations concerning width of panhandle driveway (15' in lieu of 20') has been approved. Should you have any questions regarding this decision, please call Regulo Tanguilig of Current Planning, at 887-3335.

Respectfully yours,
P.D. Tanguilig
P. David Fields
Director of Planning and Zoning

PDF:cab

cc: David L. Thomas, M.S. 1301
Reg Tanguilig, M.S. 1105
File

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21205-5517
(410) 823-4111
FAX (410) 823-0147
WRITER'S DIRECT NUMBER IS
(410) 494-9162
ROBERT A. HOFFMAN
November 17, 1992

Michael E. Sauer, Acting Chairman
County Board of Appeals of
Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 92-298-SPH
Stephen and Diane Forthuber

Dear Mr. Sauer:

As per the Board's request, enclosed please find a draft of the Opinion and Order which we have prepared for the above-referenced case.

Please do not hesitate to call me should you have any questions.

Sincerely,

Robert A. Hoffman
Robert A. Hoffman

RAH/pr
Enclosure

LAW OFFICES
POWER AND MOSNER

A PROFESSIONAL ASSOCIATION
21 WEST SINDERSBARRA AVENUE
TOWSON, MARYLAND 21204-3279
(410) 823-1200
FAX (410) 296-0402
THOMAS G. BODIE
JOHN J. HANSEN III
TIMOTHY J. DOLAN
CHRISTIE H. BODIE IV
BARBARA E. BODIE
BARBARA M. GAUCHEAN
STEVEN J. CHAMBER
WILLIAM J. BODIE
* ALSO ADMITTED IN D.C.
September 14, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Attention: Clerk of the Court

RE: Case No: 92-298-SPH
In The Matter of Steven M. Forthuber

Dear Sir/Madam Clerk:

Enclosed please find a request for Subpoena in the above captioned matter. Please return same to the undersigned for service by private process.

Thank you for your attention in this matter.

Very truly yours,

Thomas G. Bodie
Thomas G. Bodie

TGB:meh
enc.

Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

Dear Sir or Madam:

I am writing in reference to case no. 92-298-SPH which was heard by the Zoning Commissioner. As petitioner, I recently received notification that the Commissioner's decision was appealed.

I am writing to request a hearing date for this appeal. I have been informed that your office is currently scheduling hearings for October. I would like to request that our hearing date be scheduled for the earliest date possible.

As a homeowner, I have been trying to resolve what I thought to be a minor issue since July, 1991. At this point, I am quite anxious to have this issue decided and would appreciate any help in getting this scheduled as soon as possible. Should any cancellations occur with other cases, we would be happy to take any available date other than August 19th thru August 24th when we will be out of town.

Thank you for your help in this matter.

Sincerely,

Diane B. Forthuber
Diane B. Forthuber

8539 Hill Spring Drive
Lutherville, Maryland 21093

DECEMBER 29, 1991

TO WHOM IT MAY CONCERN:

I/WE CONSENT TO THIS REQUEST FOR AN AMENDMENT TO THE DEVELOPMENT PLAN IN REFERENCE TO THE CONVEYANCE OF 251 SQUARE FEET FROM LOT 7 TO LOT 8 AT THE HILLSIDE AT SEMINARY. THIS CONSENT IS BEING FURNISHED WITHOUT PREJUDICE OR A WAIVER OF ANY LEGAL RIGHTS WE MAY HAVE AGAINST THE OWNERS OF PROPERTY 8539 HILL SPRING DRIVE. THE TERMS OF SALE HAVE BEEN NEGOTIATED BETWEEN THE AFOREMENTIONED PARTIES AND IS NOT A FACTOR IN OUR AGREEMENT TO CONSENT TO THIS REQUEST FOR AN AMENDMENT.

John Gearhart
JOHN GEARHART, OWNER LOT 7

Laura Gearhart
LAURA GEARHART, OWNER LOT 7

12/29/91
DATE

12-29-91
DATE

313

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Diane & Steve Forthuber	8539 Hill Spring Drive, Lutherville 21093

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Young Jr. Park	4535 Hill Spring Drive, Lutherville, MD 21093
Young Jr. Park	21 W. SUNDERSBARRA AVE, TOWSON, MD 21204

ARNOLD BLON

To whom it may concern

March 12, 1992
I would like to have permission to postpone hearing we are going to have on March 20th 1992. due to business problem we have (going out of town that time).

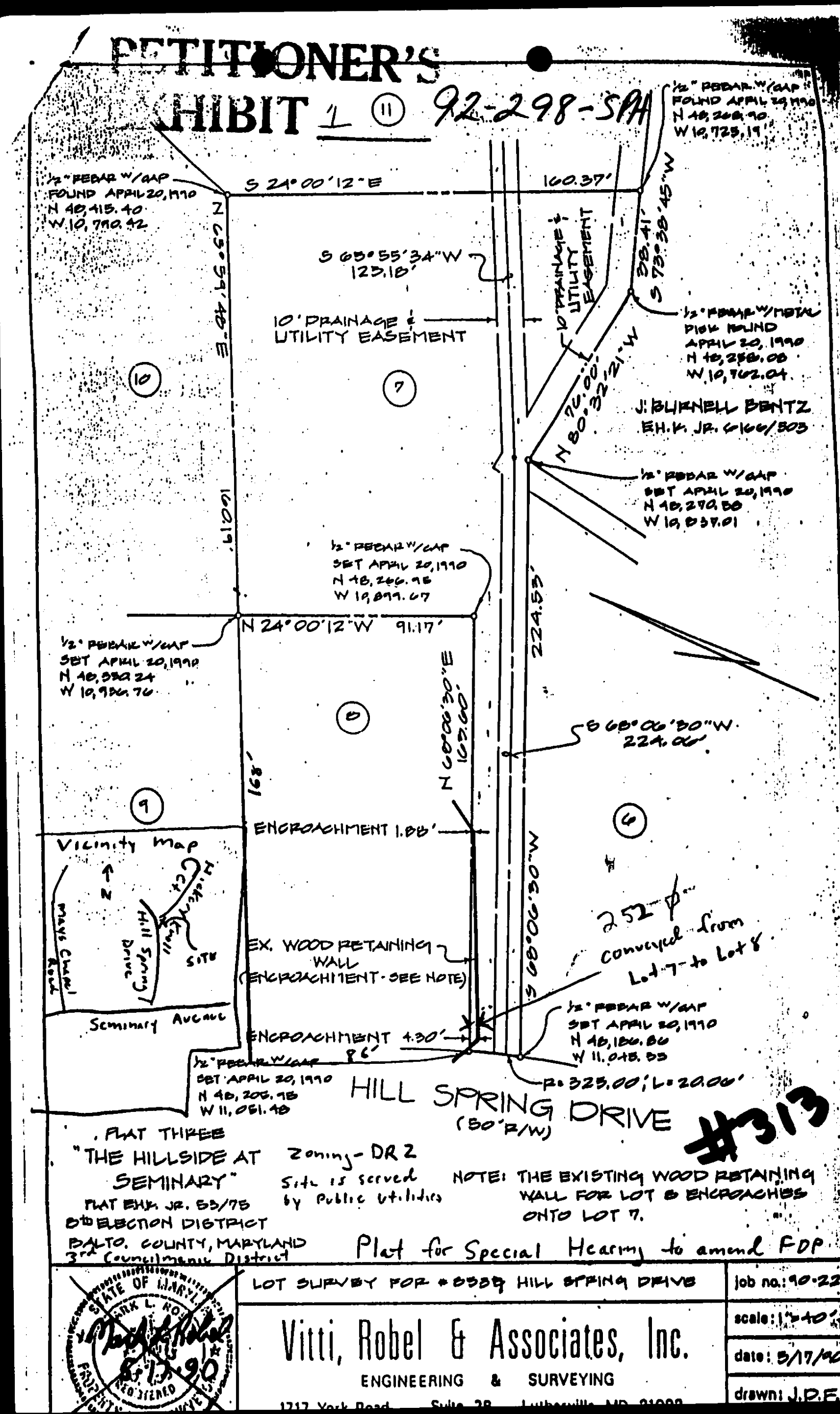
Thank you

Sincerely yours

Young Jr. Park

Case # 92-298-SPH

Address: 8535 Hill Spring Dr
Lutherville, Md 21093 Tel: 828-1410



JAN-12-90 FRI 11:42

P.02

The Hillside At Seminary Joint Venture

802 Garrett Building • Baltimore, Maryland 21202
(301) 685-8568
Developers of The Hillside At Seminary

January 12, 1990

PETITIONER'S EXHIBIT 3

Mr. Martin Kandel
The Piedmont Group
115 Sudbrook Lane
Pikesville, Maryland 21208

RE: Drainage in vicinity of lots 6, 7, and 8

Dear Marty:

As you know, we have been concerned about drainage in this area for some time and the owners downhill have complained repeatedly to the County about the amount of water coming down the hill in this vicinity and bypassing storm drainage. One can see the result of this on lot #6 where there is significant erosion and the owners have begged to stop the flow.

As a result of a revised grading and landscape plan submitted by the contractor for the Forthubers, contract purchasers of lot #8, I had my landscape architect review the entire area to assure that revisions help alleviate the complained of conditions. He made the following recommendations:

1. The common driveway is in poor condition from construction vehicles and should be repaired. Concurrent with that repair work, he recommends that a bituminous curb be installed on the south side of the drive (adjacent to lot #6) and/or that the driveway be further sloped toward lot #8.
2. All four downspouts on the north side of the house on lot #8 should be tied together and outfall at Hill Spring Drive.
3. The retaining walls proposed for installation by the Forthubers are approved.

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

October 29, 1991

Mr. & Mrs. Steven Forthuber
8539 Hill Spring Drive
Lutherville, Maryland 21093

Re: 8539 Hill Spring Drive (Hillside at Seminary)
Waiver of panhandle width

Dear Mr. & Mrs. Forthuber:

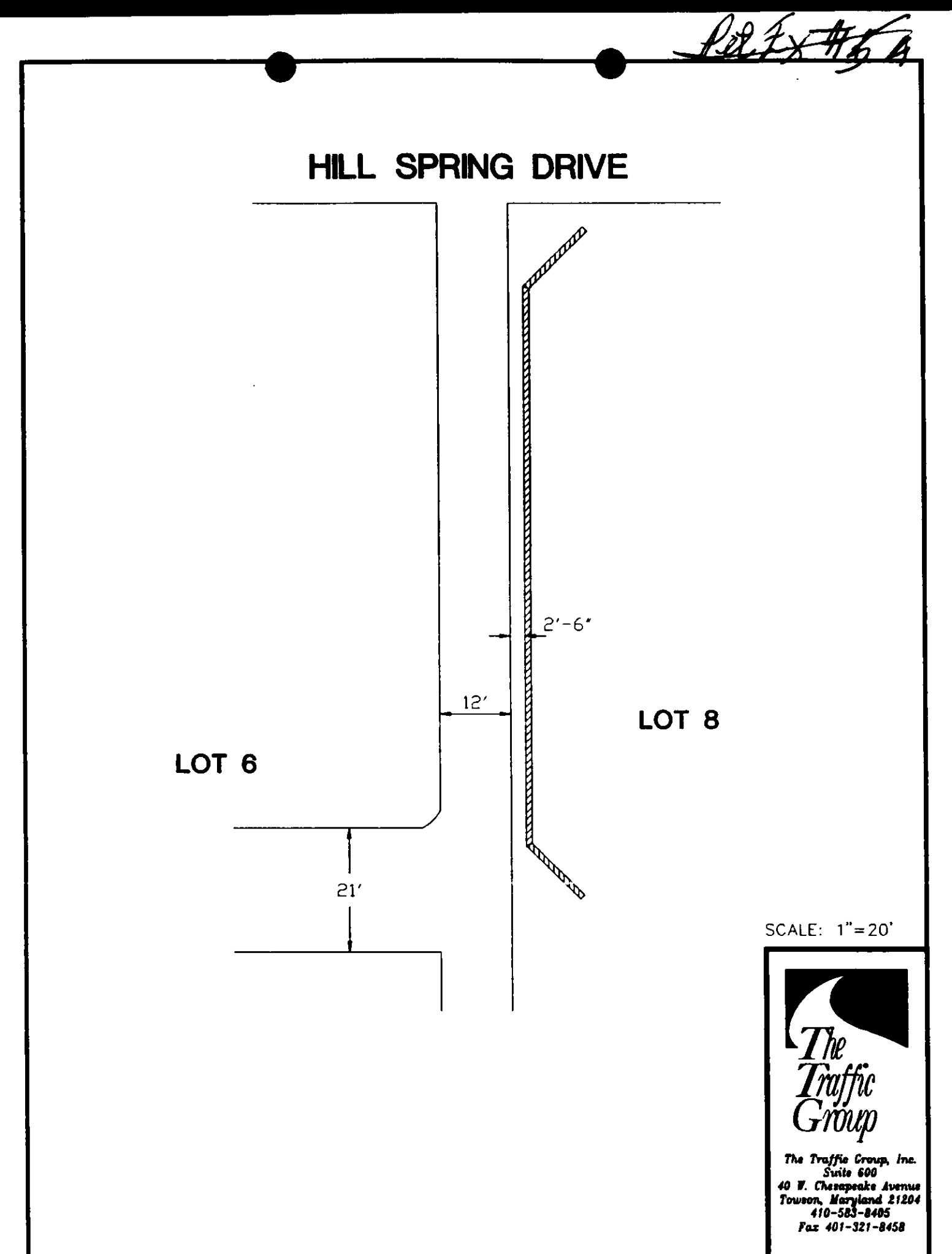
Your request for a waiver from the provision of Section 26-266 of the Baltimore County Development Regulations concerning width of panhandle driveway (15.7' in lieu of 20') has been approved. Should you have any questions regarding this decision, please call Regulo Tanguilig of Current Planning, at 887-3335.

Respectfully yours,
P.D. Fields

P. David Fields
Director of Planning and Zoning

PDF: cab

cc: David L. Thomas, M.S. 1301
Reg Tanguilig, M.S. 1105
File



Dennis

Here's the revised survey. Hope you understand my note. Also, I just wanted to let you know we would offer to sign a letter or agreement stating if the wall needed to be removed in the future that it would be our responsibility (or the owner of lot 8 at that time) to tear down and rebuild as necessary.

Please let me know if you need any additional information. Thanks again for all of your help. I'm keeping my fingers crossed for good luck!

Thanks,

Diane Forthuber

MAY 22, 1992

DENNIS KENNEDY
DEPARTMENT OF PUBLIC WORKS
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DEAR DENNIS:

THIS LETTER IS TO CONFIRM OUR DISCUSSION THIS MORNING REGARDING THE AGREEMENT REQUIRED BY YOUR DEPARTMENT IN REFERENCE TO THE LANDSCAPING WALL CONSTRUCTED AT MY RESIDENCE.

I GUARANTEE THAT SHOULD MY REQUEST FOR AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN FOR THE HILLSIDE AT SEMINARY BE APPROVED BY THE ZONING COMMISSIONER, I WILL HAVE A "HOLD HARMLESS" AGREEMENT PREPARED ACCORDING TO YOUR DEPARTMENT'S REQUIREMENTS. THIS SHALL SERVE TO RELEASE THE DEPARTMENT OF PUBLIC WORKS OF ANY LIABILITY REGARDING THE MENTIONED TIMBER WALL. SHOULD MY REQUEST BE DENIED, THE WALL WILL BE MOVED OUT OF THE COUNTY'S EASEMENT.

I UNDERSTAND THAT THIS ISSUE MUST BE RESOLVED WITH THE DEPARTMENT OF PUBLIC WORKS REGARDLESS OF THE ZONING COMMISSIONER'S DECISION.

SINCERELY,

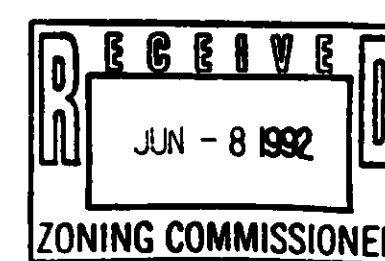
W.D. Kennedy

STATE 3, FORTHUBER

TOTAL P.02

92-248-SP-1

6



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 2, 1992

FROM: Robert W. Bowling, P.E.
Chief
Developers Engineering Division

SUBJECT: ITEM 313 92-298 SPH
FORTHUBER PROPERTY
8539 Hill Spring Drive

Our previous comment to you dated February 25, 1992, concerned a retaining wall that was built within a County drainage and utility easement. The Forthubers have agreed in writing that they will either move the wall or enter into a hold-harmless agreement with the County. Said agreement was allowed by the Director of Public Works as an alternative to moving the wall.

We, therefore, are satisfied that our concerns will be addressed, and we have no further comment.

RWB:DAK:bje

cc: File

FORTHUBER/EDWS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: February 25, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RWB-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

LIBER 8071 PAGE 104

DEED - FEE SIMPLE - CORPORATE GRANTOR - LONG FORM
FORM NO. - FTO-03

This Deed, MADE THIS 31st day of August

in the year one thousand nine hundred and eighty-eight by and between
PUEBLO HOLDING COMPANY, INC., party

of the first part, and
JAMES OK PARK AND YOUNG JA PARK, HIS WIFE, parties

of the second part.

WITNESSETH, That in consideration of the sum of Three Hundred Fifty Thousand and 00/100ths-----Dollars (\$350,000.00), the receipt of which is hereby acknowledged

the said party of the first part

C RC/F 13.00
C T TX 1625.00
C DOCS 1750.00
DEFN CLERK 3388.00
#03334 C001 R02 T14:18
01/06/89

do as grant and convey to the said parties of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them and the survivor's heirs

personal representatives/assigns and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 6 as shown on a Plat entitled "HILLSIDE AT SEMINARY", which Plat is recorded among the Land Records of Baltimore County in Liber 53 folio 75. The improvements thereon being known as 8535 Hill Spring Drive.

BEING the same lot of ground described in a Deed dated April 29, 1987 and recorded among the Land Records of Baltimore County, in Liber 7519 folio 007, which was granted and conveyed by The Hillside at Seminary Joint Venture, a Maryland General Partnership, unto the said party of the first part.

We, hereby certify under penalty of perjury that the residentially improved property which is located at 8535 Hill Spring Drive is the owner-occupied residence of the undersigned.

James O. Park
JAMES OK PARK
Young Ja Park
YOUNG JA PARK

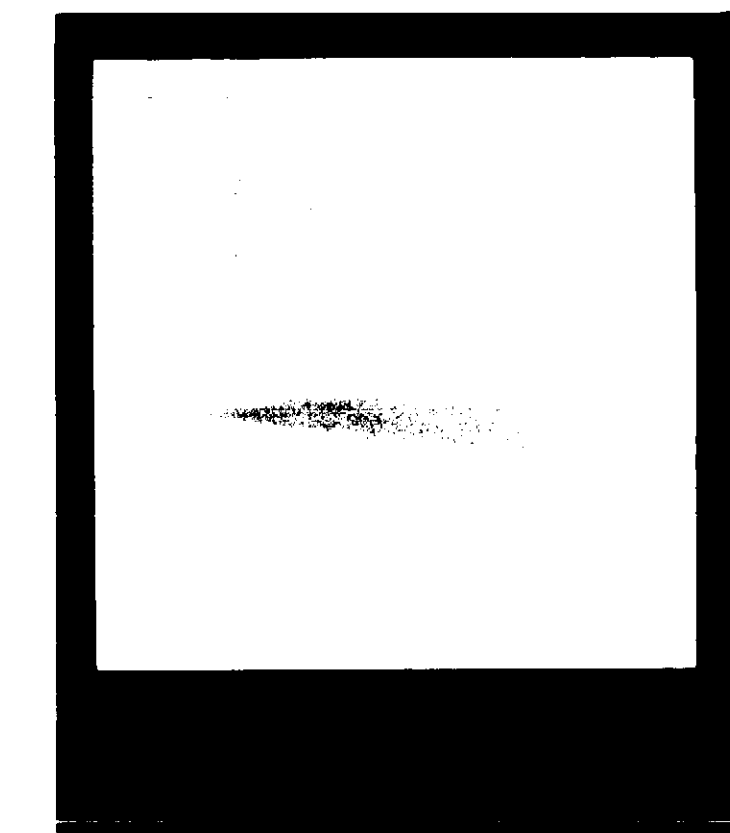
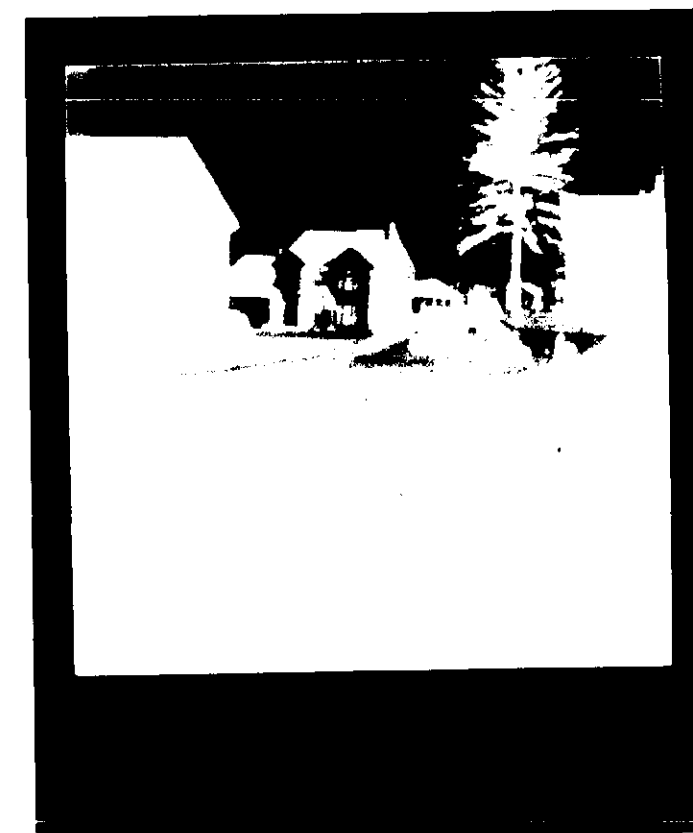
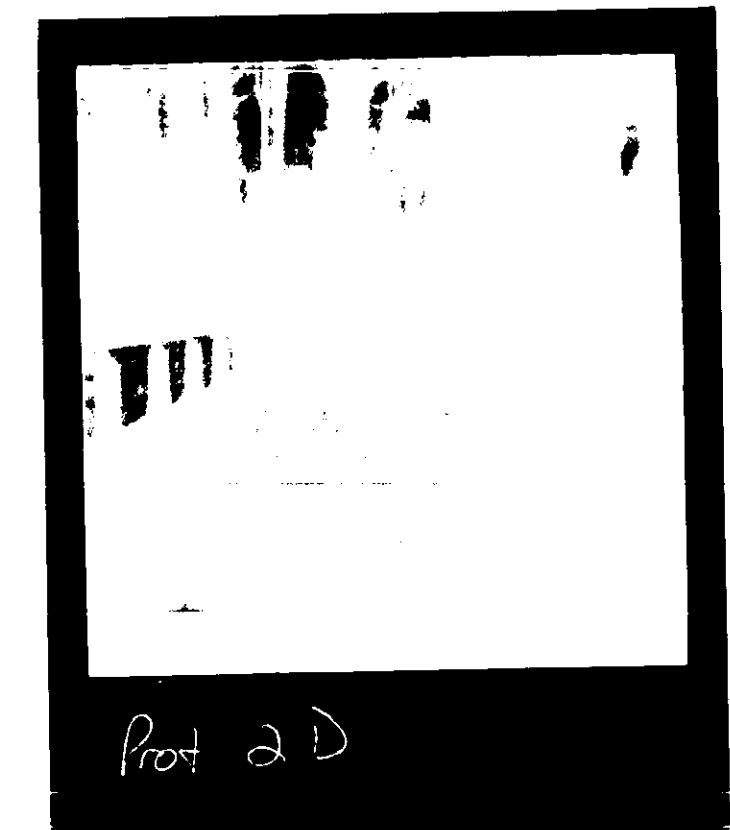
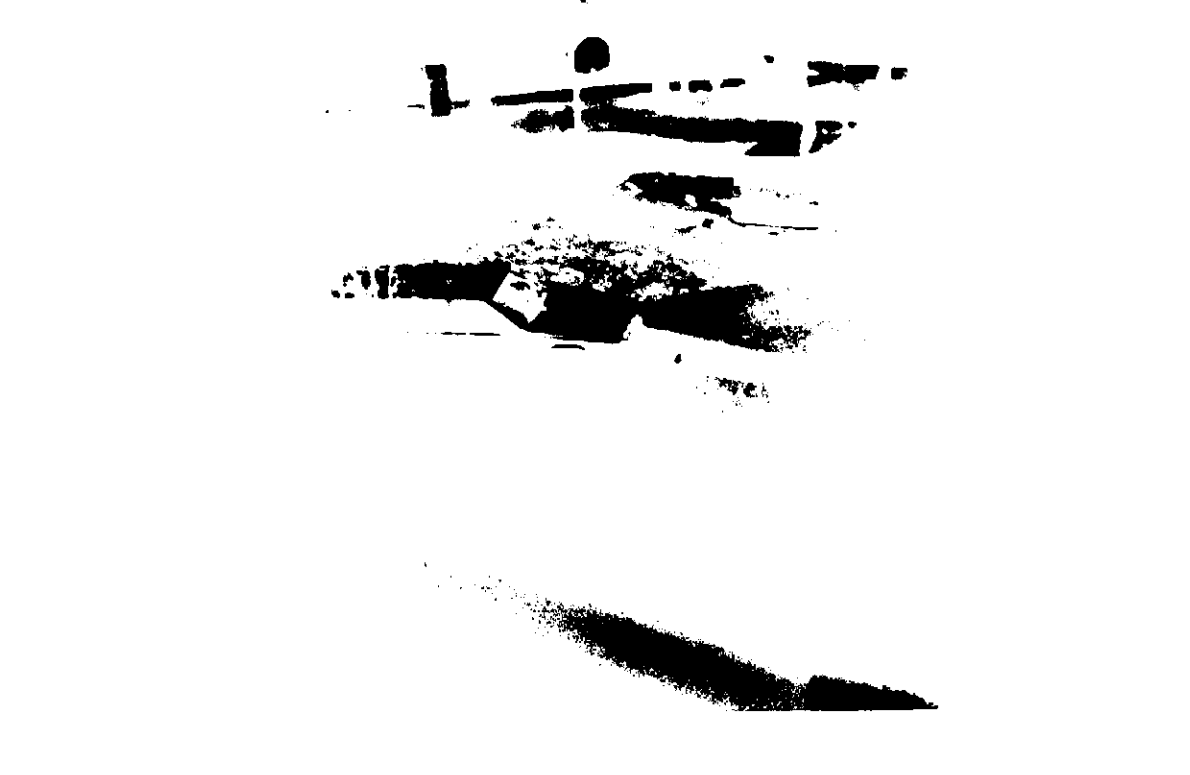
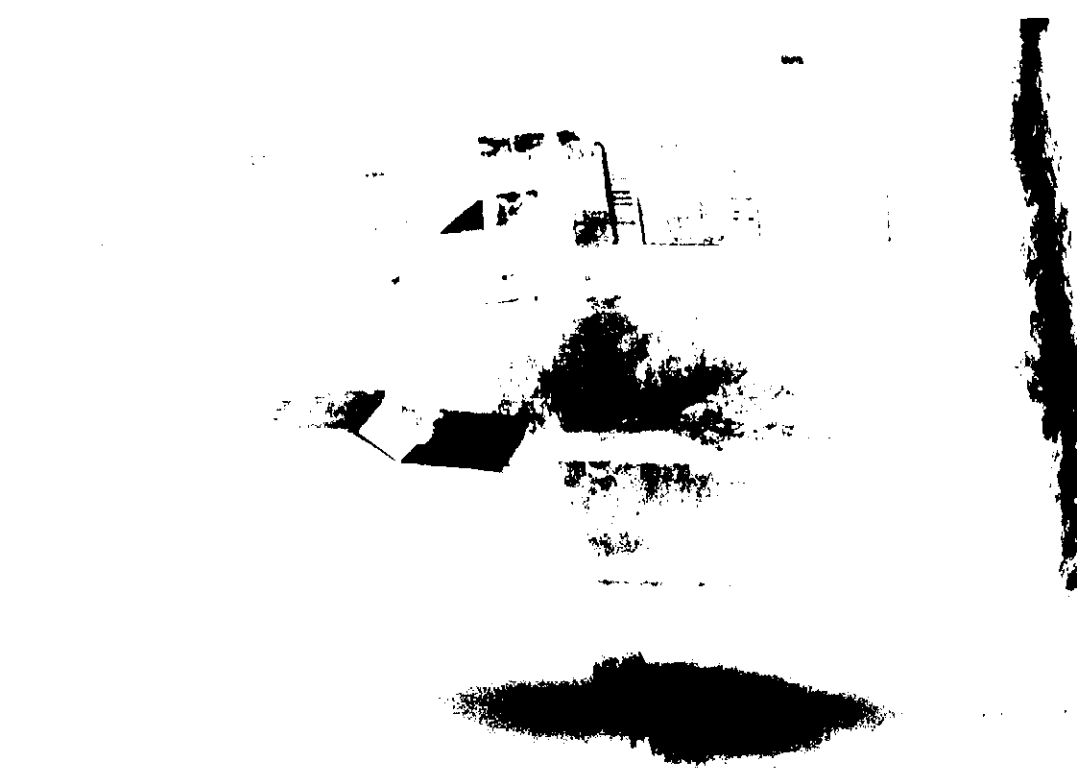
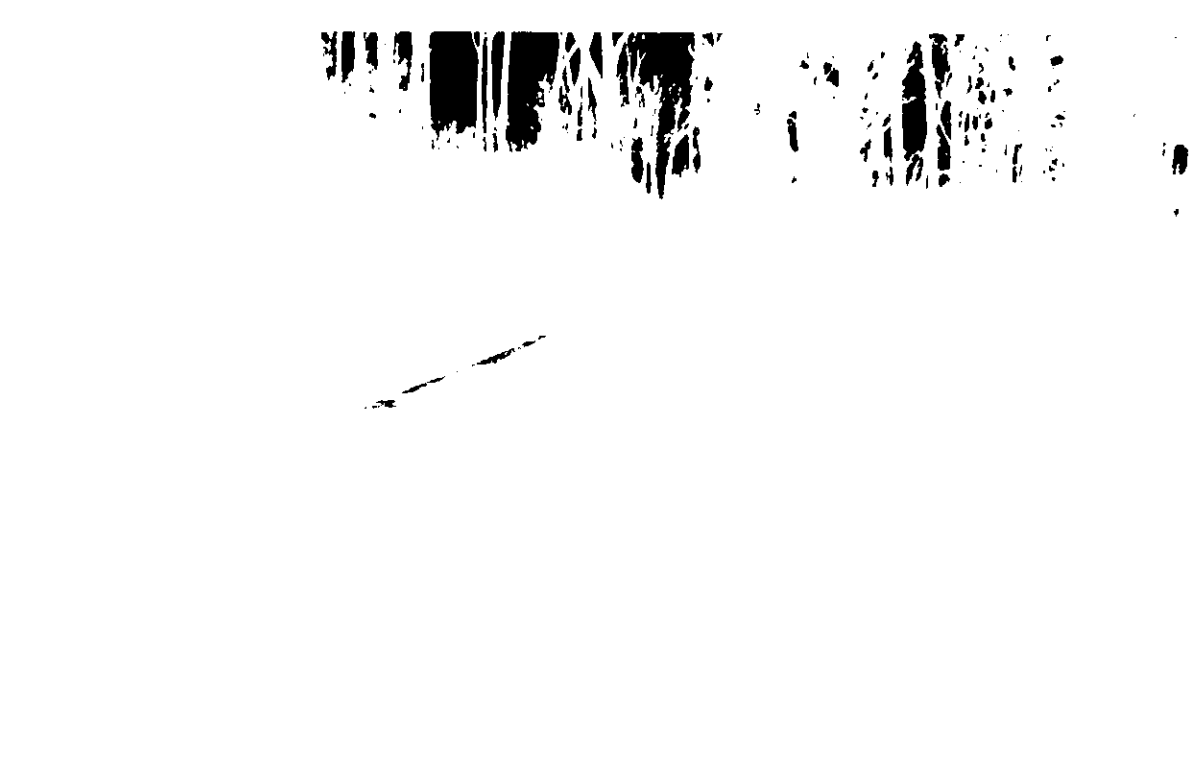
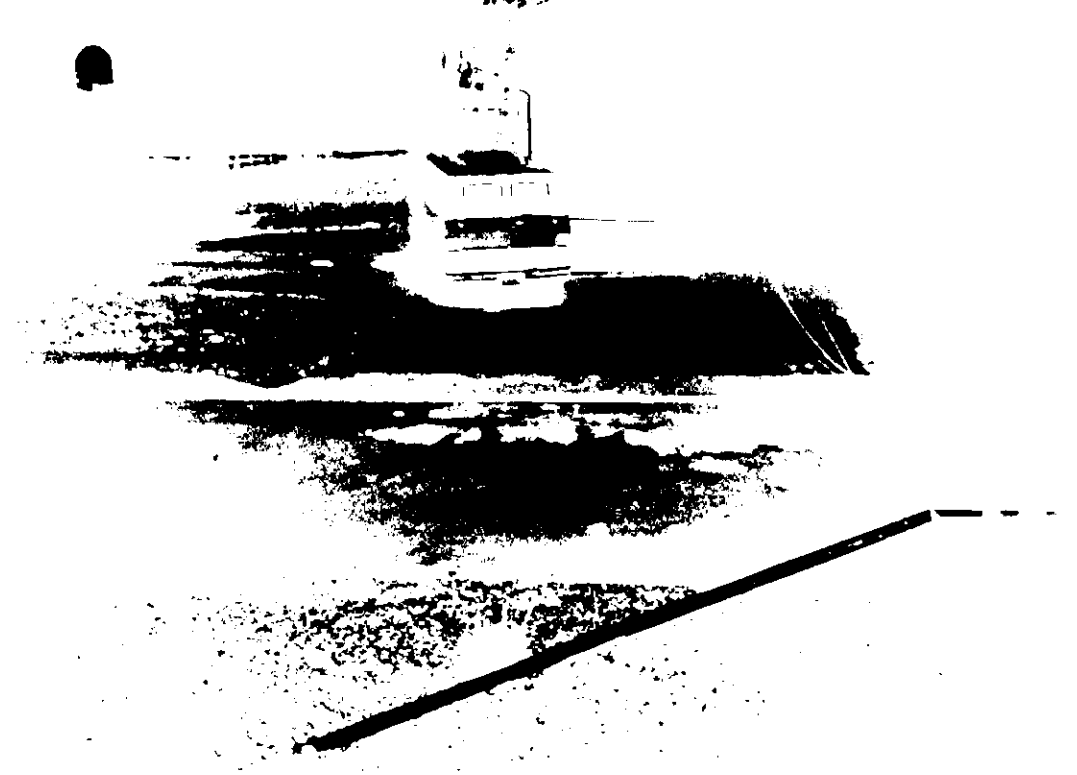
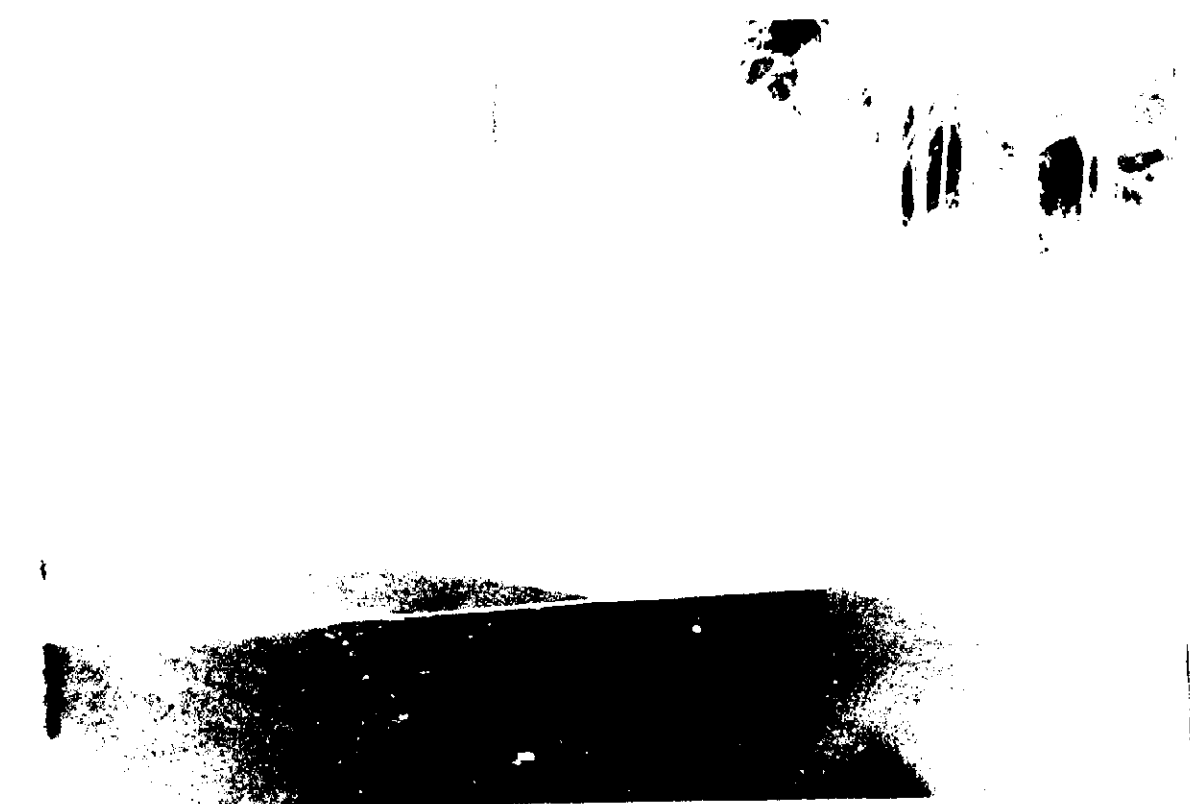
REC'D - BALTIMORE COUNTY
State Department of
Assessment & Taxation
for Baltimore County
JK 12-30-88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE *R* DATE 12-30-88

B 8186*****56000000 7308A

Peterson's
Exd 2
92-298-504
(CDA)

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204



Protector's
Exhibit 2A-2D
(4 photographs)
92-298-504

Prot 2 D

COORDINATES

N.	NORTH	WEST	N.	NORTH	WEST
41	48557.17	10502.56	492	48550.57	11198.04
44	48555.58	10502.40	495	48554.98	11170.40
46	49104.75	11234.52	455	48555.56	11198.01
59	48554.41	11234.14	456	48106.79	10995.15
158	48554.41	10502.57	457	48106.85	11024.78
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191	48555.58	10502.57	490	48555.56	11198.01
192	48555.58	10502.57	491	48555.56	11198.01
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195	48555.58	10502.57	494	48555.56	11198.01
196	48555.58	10502.57	495	48555.56	11198.01
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198	48555.58	10502.57	497	48555.56	11198.01
199	48555.58	10502.57	498	48555.56	11198.01
200	48555.58	10502.57	499	48555.56	11198.01
201	48555.58	10502.57	500	48555.56	11198.01

CURVE DATA

FROM TO	RADIUS	DELTA	ARC	TAN.	CHORD
457 447	275.00'	45° 55' 00"	218.78'	115.55'	N 28° 47' 00" W 218.00'
447 459	181.80'	32° 34' 07"	129.84'	69.11'	N 08° 51' 54" W 101.95'
459 462	168.20'	21° 24' 17"	62.84'	31.79'	S 74° 28' 28" E 62.47'
462 466	250.00'	28° 54' 18"	124.07'	69.60'	N 51° 42' 59" E 123.98'
466 474	200.00'	72° 40' 45"	278.89'	107.17'	N 20° 00' 24" E 256.59'
474 425	120.00'	22° 54' 29"	47.24'	24.44'	N 05° 00' 11" E 221.27'
425 428	220.00'	44° 58' 57"	170.50'	88.84'	S 90° 00' 00" W 104.95'
428 430	220.00'	72° 40' 45"	278.89'	107.17'	S 20° 00' 24" W 291.18'
430 432	210.00'	28° 54' 18"	104.72'	59.47'	S 51° 42' 59" W 103.04'
432 435	925.00'	40° 08' 10"	227.06'	118.79'	S 27° 09' 55" E 229.04'
435 437	78.00'	22° 11' 29"	31.05'	16.05'	N 10° 18' 41" E 122.41'
437 424	180.00'	44° 46' 57"	101.95'	68.75'	S 94° 41' 19" E 128.40'

WHOLE TRACT GENERAL NOTES

- TOTAL AREA OF TRACT: 50.059 AC.
- 68099 AREA OF TRACT: 50.059 AC.
- THIS SITE IS ZONED DR-1 AND DR-2.
- NUMBER OF DWELLING UNITS PERMITTED:
DR-1: 1988 x 1 = 1988
DR-2: 8471 x 2 = 7849
TOTAL: 9837
- NUMBER OF DWELLING UNITS SHOWN: 80
- ALL LOTS ARE FOR SALE.
- NUMBER OF PROPOSED PARKING SPACES REQUIRED: 80 x 1.172 SPACES.
- NUMBER OF PROPOSED PARKING SPACES: 172
- OPEN SPACE NOT REQUIRED IN AREAS ZONED DR-1 AND DR-2.
- THIS SITE IS LOCATED IN THE JONES FALLS SEWERAGE.
- ALL OPEN SPACE AREAS SHALL BE CONVEYED TO A CORPORATE ASSOCIATION OF THE OWNERS OF THE LOTS SHOWN HEREON FOR THE PURPOSE OF COMMON USE AND MAINTENANCE.
- OPEN SPACE PROVIDED: 1.2846 AC.
- STORMWATER MANAGEMENT RESERVATION: 1.0999 AC.

FLAT THREE BREAKDOWN

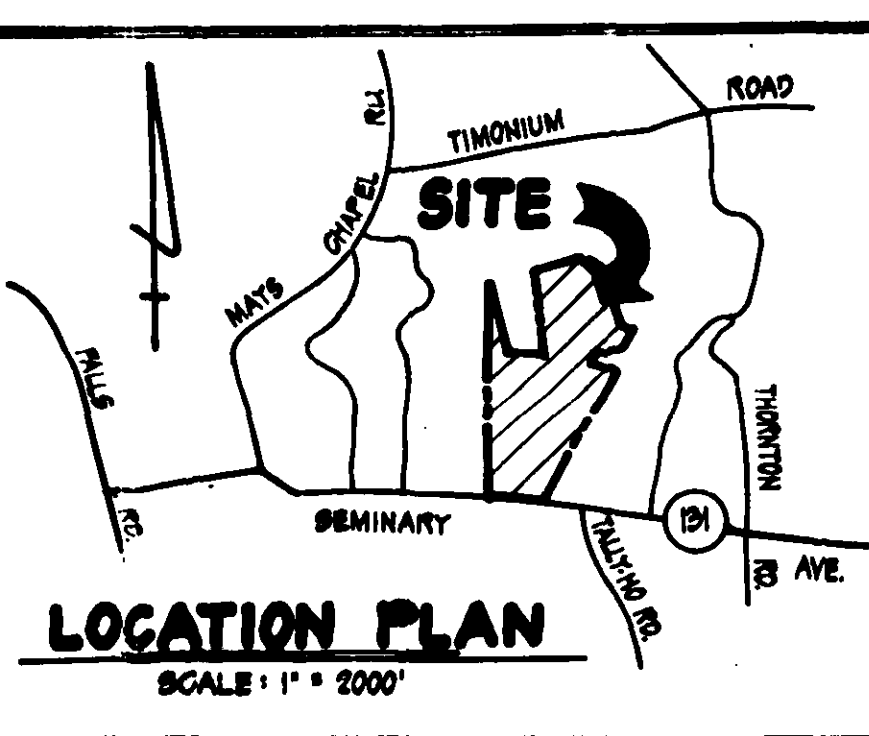
- AREA OF THIS FLAT: 15.628 AC.
- NUMBER OF PROPOSED LOTS: 22

NOTES

- HIGHWAY AND HIGHWAY WIDENINGS, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED TO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREA BY DEED TO BALTIMORE COUNTY, MARYLAND, AT NO COST.
- STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY BILL 86-82, SECTION 22-08.
- THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
- THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
- THE TENTATIVE/CRS PLAN WAS APPROVED ON MARCH 28, 1985.

NOTE

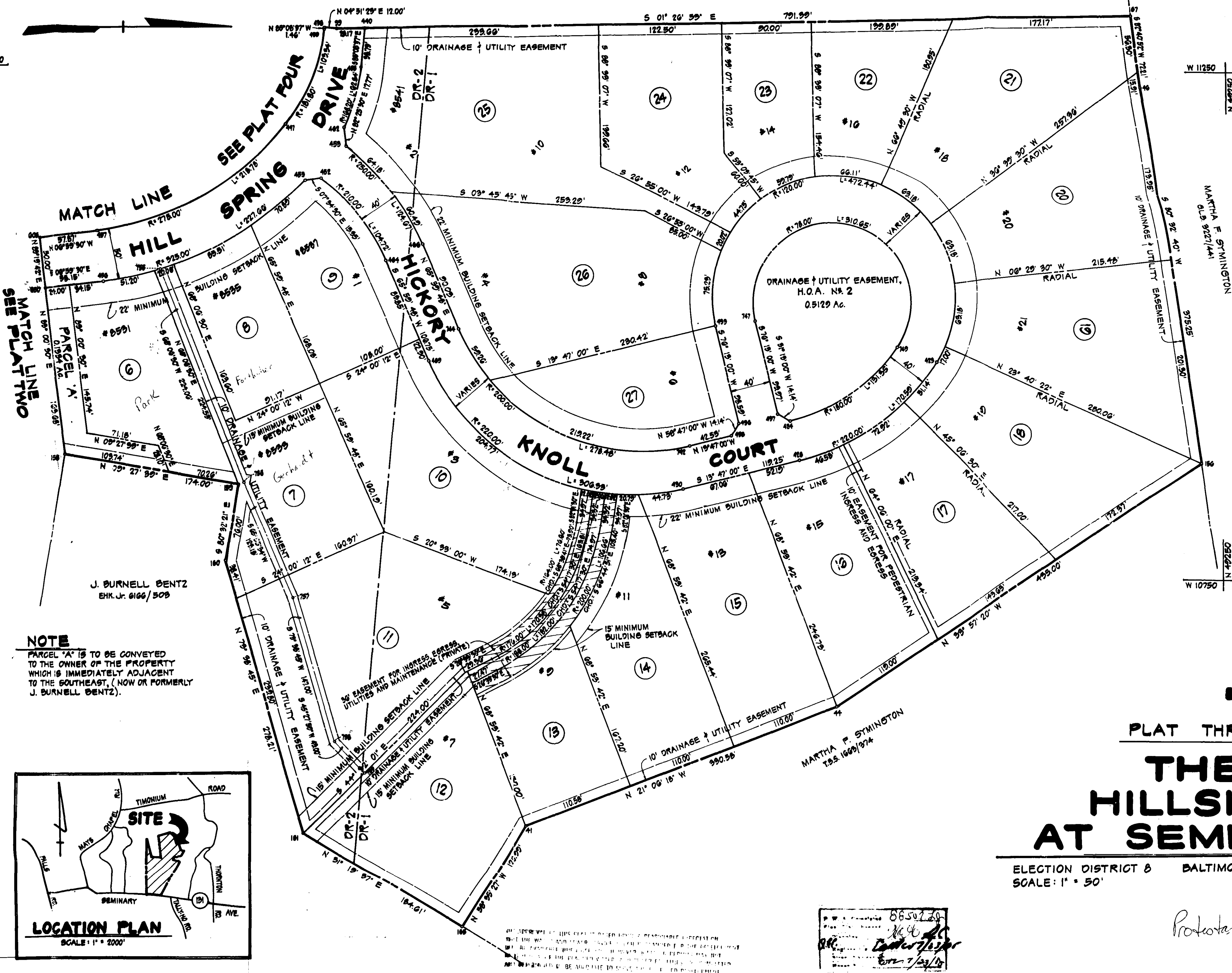
PARCEL 'A' IS TO BE CONVEYED TO THE OWNER OF THE PROPERTY WHICH IS IMMEDIATELY ADJACENT TO THE SOUTHEAST, (NOW OR FORMERLY J. BURNELL BENTZ).



LOCATION PLAN

SCALE: 1" = 2000'

WILLIAM W. O'ROURKE & WIFE
ENR. JR. 0108/17



PLAT THREE

THE HILLSIDE AT SEMINARY

ELECTION DISTRICT 8 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
MAY 30, 1985

Prokator's Ex #1

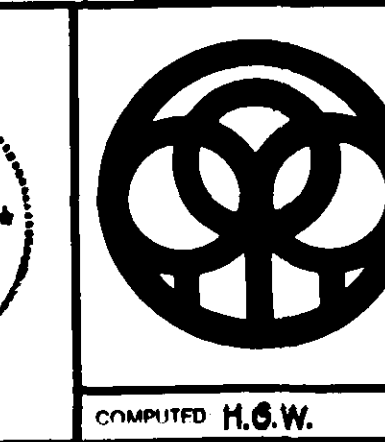
APPROVED:
7-25-85
DATE: 7/25/85
DEPUTY STATE & COUNTY HEALTH OFFICER

OWNER/DEVELOPER
THE HILLSIDE AT SEMINARY
JOINT VENTURE
% MUNICIPAL SAVINGS AND LOAN
115 EAST JOFFA ROAD
TOWSON, MARYLAND 21204
DEED REF. ENR. JR. 0102/719

NOTE:
COORDINATES AND BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:
N 11740 N 40790.24 W 11589.77
N 11747 N 40546.03 W 10410.39

OWNER'S CERTIFICATE
The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of its knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, insofar as same concerns the making of the plat and setting of the markers.
THE HILLSIDE AT SEMINARY JOINT VENTURE
NAGLE HOMES, INC., DIRECTOR
By: [Signature] President 6/4/85
Date: 6/4/85

SURVEYOR'S CERTIFICATE
The undersigned, a Registered Land Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this plat and that the land shown on this plat has been laid out, and the plat thereof has been prepared, in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the plat and setting of the markers.
Edmund H. Hines 6/4/85
Registered Land Surveyor, No. 9010
Date: 6/4/85



DAFT - McCUNE - WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: 301-296-3333

COMPUTED H.S.W. DRAWN M.S.B. CHECKED H.S.W./M.T.M. JO. B. 114